

SENATE JOINT RESOLUTION 139

By Kurita

A RESOLUTION to propose amendments to Articles III, VI, and VII of the Constitution of Tennessee, to provide for popular election of the lieutenant governor, attorney general and reporter, secretary of state, state comptroller of the treasury, and state treasurer.

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article III of the Constitution of Tennessee be amended by adding the following language as Section 19:

Section 19.

A lieutenant governor shall be popularly elected by the qualified voters of the state at the same time and for the same term as the governor. The lieutenant governor's qualifications shall, in all respects, be the same as the governor. A person may be eligible to succeed in office as lieutenant governor for additional four-year terms, provided that no person shall be eligible for election to more than two terms consecutively, including an election to a partial term. The lieutenant governor shall, at stated times, receive compensation for services, which shall not be increased or diminished during the period for which he or she shall have been elected. The lieutenant governor shall temporarily act as the governor while the governor is out of the state or incapacitated for more than

seven consecutive days. The lieutenant governor shall perform other duties as the general assembly shall prescribe by law.

And that Article III of the Constitution of Tennessee be amended by deleting Section 12 in its entirety and by substituting instead the following:

Section 12.

In case of the death, resignation or removal from office of the governor, the powers and duties of the office of governor shall devolve on the lieutenant governor; and in case of the death, resignation or removal from office of the lieutenant governor, the powers and duties of the office of governor shall devolve on the speaker of the senate; and in case of the death, resignation or removal from office of the speaker of the senate, the power and duties of the office of governor shall devolve on the speaker of the house of representatives.

And that Article VI, Section 5, of the Constitution of the State of Tennessee be amended by deleting the first sentence and by substituting instead the following:

An attorney general and reporter for the state shall be popularly elected by the qualified voters of the state and shall hold office for a term of four years and until a successor is elected and qualified. The attorney general and reporter shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this state at least five years immediately preceding his or her election. The attorney general and reporter may prosecute any violation of the state criminal statutes in any court having jurisdiction of the matter and may perform all prosecutorial functions attendant thereto, and shall perform other duties as the general assembly shall prescribe by law.

And that Article III of the Constitution of Tennessee be amended by deleting Section 17 in its entirety and by substituting instead the following:

Section 17.

A secretary of state shall be popularly elected by the qualified voters of the state and shall hold office for a term of four years and until a successor is elected and qualified. The secretary of state shall be at least thirty years of age,

shall be a citizen of the United States, and shall have been a citizen of this state for a period of at least five years immediately preceding the election. The secretary of state shall keep a fair register of all the official acts and proceedings of the governor and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the general assembly. The secretary of state shall perform such other duties as the general assembly shall prescribe by law.

And that Article VII of the Constitution of Tennessee be amended by deleting Section 3 in its entirety and by substituting instead the following:

Section 3.

A state comptroller of the treasury shall be popularly elected by the qualified voters of the state and shall hold office for a term of four years and until a successor is elected and qualified. The state comptroller shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this state for a period of at least five years immediately preceding the election. The state comptroller shall perform such duties as the general assembly shall prescribe by law.

A state treasurer shall be popularly elected by the qualified voters of the state and shall hold office for a term of four years and until a successor is elected and qualified. The state treasurer shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this state for a period of at least five years immediately preceding the election. The state treasurer shall perform such duties as the general assembly shall prescribe by law.

BE IT FURTHER RESOLVED, That upon ratification of the amendments proposed herein at the 2010 November general election, popular elections for secretary of state, for state comptroller of the treasury, and for state treasurer shall be held at the 2012 November general election and every four years thereafter; provided, however, until the 2012 November general

election, the general assembly shall retain authority to elect the secretary of state, state comptroller of the treasury, and state treasurer by joint vote of both houses.

BE IT FURTHER RESOLVED, That upon ratification of the amendments proposed herein at the 2010 November general election, popular elections for lieutenant governor and for attorney general and reporter shall be held at the 2014 November general election and every four years thereafter; provided, however, until the 2014 November general election, the speaker of the senate shall continue to be lieutenant governor, and the judges of the supreme court shall retain authority to appoint the attorney general and reporter for the state.

BE IT FURTHER RESOLVED, That the foregoing be referred to the One Hundred Sixth General Assembly and that this resolution proposing such amendments be published by the secretary of state in accordance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, That the clerk of the senate is directed to deliver a copy of this resolution to the secretary of state.